

REMARKS

Claims 1-27 and 58-65 stand rejected as obvious over Shneiderman, et al., *Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos* (July 2000) and secondary art. Shneiderman is prior art under 35 U.S.C. § 102 (a) because it was published less than one year before the filing date of this application.

Applicants submit herewith a declaration from the inventors, Elizabeth Sharpe and John Fraser, that demonstrates the invention is entitled to an invention date before Schneiderman's July 2000 publication date. The declaration demonstrates that the inventors made a full conception of the subject matter claimed in this application by at least June 9, 2000, when they communicated the details of their invention to their UK patent attorneys at the firm of Marks & Clerk. The inventors exercised diligence to work with their UK patent attorneys between June 9, 2000 and September 26, 2000 to draft a patent application directed to the invention and devise a claiming strategy for it. The invention was reduced to practice constructively when it was filed with the U.S. Patent and Trademark Office as this application.

Exhibit A to the inventors' declaration includes a description of the invention that the inventors provided to their patent attorneys in June 2000. It demonstrates conception of the subject matter recited in the pending claims. With respect to claim 1, for example, Exhibit A describes registration of users according to groups (p. 14). Exhibit A also describes reception of user archiving input data and generation and storage of index information for digital media items (FIG. 2). As part of this process, Exhibit A describes selection of zero or more people, zero or more event types and a time period. See, p. 1, ¶ 1.6. FIGS. 5-6 illustrate retrieval of the digital media items. Exhibit A also describes selection of zero or more event types, zero or more persons and selection of a time period for the retrieval process. See, FIG. 7 and Table 7. And, of course, Exhibit A describes retrieval and outputting of matching digital media items. Thus, Exhibit A demonstrates conception of all elements from independent claim 1. Exhibit A similarly supports the other independent claims.

Exhibit B includes correspondence between the inventors and their patent attorneys referencing exchange of drafts applications, commenting upon prior art and the like. Such

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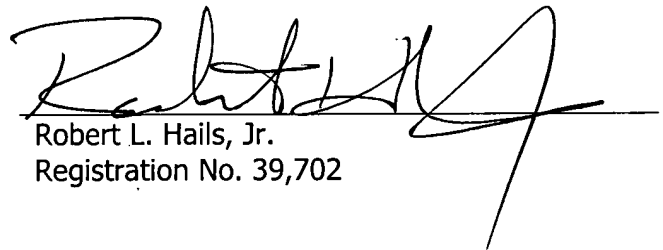
materials contain privileged communication and, therefore, they have been redacted. However, these materials demonstrate a generally high level of effort spent by the inventors and their attorneys to develop the patent application.

The claims of the above-referenced application are entitled to an invention date of at least June 9, 2000. Shneiderman, which published in July 2000, is not prior art. The outstanding prior art rejections, therefore, should be withdrawn.

Applicants respectfully request allowance of the application.

Respectfully submitted,

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Robert L. Hails, Jr.
Registration No. 39,702

KENYON & KENYON
1500 K Street, N.W.
Washington, D.C. 20005
Ph.: (202) 220-4200
Fax.: (202) 220-4201